

## REMARKS

Claims 1-17 are pending in the application.

Claims 13-17 have been withdrawn from consideration.

Claims 1-12 were rejected.

Claims 6-17 are canceled.

Claims 1-5 are amended.

Claims 18-32 are added.

No new matter has been entered.

Claims 1-5 and 18-32 remain in the application for consideration.

### **In the Specification**

Minor amendments have been made to paragraphs [0007], [0009], and [0010] of the present application so that the specification is consistent with the drawings.

### **In the Claims**

#### ***Claim Rejections – 35 USC §112***

Claims 6-10 and 12 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-10 and 12 are rejected under 35 USC §112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements.

Claims 6-10 and 12 have been canceled, thus rendering this rejection moot.

#### ***Claim Rejections – 35 USC §102***

Claims 1-5 and 11 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,349,230 to Kawanaka et al. (“Kawanaka”).

The Applicants respectfully traverse these rejections.

Claim 1 recites in part an instrument comprising a first resistor connected with an operational electrode in series and a second resistor  $R_s$ , where the resistance of the first resistor is equal to or greater than maximum resistance of the second resistor  $R_s$ . Claim 1 also specifies that the operational electrode and a counterpart electrode constitute the second resistor  $R_s$ .

In contrast, Kawanaka teaches only a single resistor. In particular, Kawanaka column 5, lines 22 to 38 (which are cited by the Examiner), teaches that “the enzyme electrode section of the chip 2 can be regarded as a resistor.” This resistor taught by Kawanaka may be similar to the second resistor  $R_s$  of claim 1 (that is the resistor constituted by the operational electrode and counterpart electrode). However, Kawanaka, does not teach the other resistor (the first resistor), which is connected with the operational electrode in series. This difference can also be seen by comparing FIGs. 3 and 5 of Kawanaka with FIGs. 5 and 4 of the present application, respectively.

Thus, because Kawanaka does not teach all of the elements of claim 1, Kawanaka cannot anticipate claim 1. As such the Applicants submit that claim 1 is in proper form for allowance and request that the rejection under § 102 be removed.

Claims 2-5 depend from claim 1. Based at least in part on this dependency, the Applicants submit that claims 2-5 are likewise in proper form for allowance.

Claim 11 has been canceled, thus rendering this rejection moot.

### ***Claim Rejections – 35 USC §103***

Claims 6-10 and 12 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,349,230 to Kawanaka in view of U.S. Patent No. 6,916,410 to Katsuki et al. (“Katsuki”).

Claims 6-10 and 12 are canceled, thus rendering these rejections moot.

### ***New Claims***

Claims 18-32 have been added to the application. Claims 18-21 depend from claim 1 and include similar elements to those deleted from original claim 1. Claim 22 includes similar elements as claim 1. In particular, claim 22 recites a first resistor having a first resistance and a second resistor having a second resistance substantially equal to or greater than the first resistance of the first resistor, wherein the second resistor is serially connected with the first resistor. As discussed above, Kawanaka only teaches a single resistor. Hence, the Applicants submit that claim 22 is in proper form for allowance. Claims 23-26 depend from claim 22 and include elements supported by, for example, FIGs. 5-7. Claim 27 also includes similar limitations to claims 1 and 22. As such, the Applicants submit that claim 27 is in proper form for allowance. Claims 28-31 depend from claim 27 and also include elements supported by, for example, FIGs. 5-7. Claim 32 also includes similar

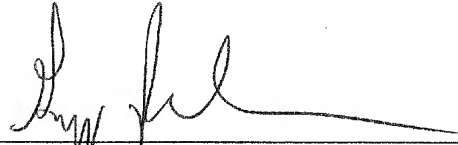
limitations to claims 1, 22, and 27. Hence, it is likewise submitted as being in proper form for allowance.

***Conclusion***

For the foregoing reasons, reconsideration and allowance of claims 1-5 and 18-32 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read 'Gregg Palmer', is written over a horizontal line.

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